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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF WASHINGTON**

7 UNITED STATES OF AMERICA,)
8)
9 Plaintiff,)
10) NO: CR-03-129-FVS
11 vs.)
12) AMENDMENT TO
13) DEFENDANT'S
14) *AMELINE* BRIEF
15) RE: RE-SENTENCING
16)
17 Defendant.)
18 _____)

19 TO: Plaintiff and to your attorney, Joseph A. Harrington, Assistant U. S.
20 Attorney for Eastern District of Washington;

21 COMES NOW the defendant and submits the following change to the
22 first sentence at the top of page 7 of his Memorandum

23 The sentence currently reads:

24 "...whether a sentence should have differed, but for the Booker error.
25 Ameline, supra 409, F.3d 1099."

The defendant intended the sentence to read as follows:

1 ““...whether a sentence **would** have differed, but for the Booker error.

2 Ameline, supra 409, F.3d 1099.”.

3
4 Dated this 28th day of October, 2006.

5 S/DAN B. JOHNSON
6 WSBA # 11257
7 Attorney for Defendant
8 johnsondanbps@qwest.net

9 CM/ECF

10 I hereby certify that on the 28th day of October, 2006, I electronically
11 filed the foregoing with the Clerk of the Court using the CM/ECF System
12 which will send notification of such filing to the following CM/ECF
13 participants:

14 Mr. Joseph Harrington
15 Assistant United States Attorney
16 P. O. Box 1494
17 Spokane, WA 99210-1494

18 s/Dan B. Johnson
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